IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISIDICTION

CONTEMPT PETITION NO.191 OF 2001
IN
WRIT PETITION NO. 1726 OF 2000

1. Arvind Dnyaneshwar Mali]
Aged 44 yrs. Occ: Service]
residing at Vaduj, Tal.]
Khatav, Dist. Satara]
2. Shamrao Bhiku Sasane,]
Aged 52 yrs. Occ:Service]
residing at Post Kavthe]
Tal.Wai, Dist.Satara]..Petitioners

Vs.

1. State of Maharashtra]
(Summons to be served]
upon the Govt. Pleader)]
2. The Secretary]
Gram Vikas Vibhag,]
Jal Sanchar Vibhag,]
Matnralaya, Mumbai]
3. Dilip Bund,]
Chief Executive Officer]
Zilla Parishad, Satara]
Zilla Parishad Building]
Sadar Bazar, Dist.Satara]..Respondents

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Mr.Uday Warunjikar with Mr.Kishore Walunj for Petitioners
Mr.A.H.Palekar AGP for Respondent nos.1 and 2
Mr.M.H.Mehere for Respondent no.3

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CORAM : B.H.MARLAPALLE,J.

DATE : FEBRUARY 28,2005

ORAL JUDGMENT:

1. Heard Mr.Warunjikar the learned counsel for the petitioners, Mr.Palekar, learned AGP for respondent nos.1 and 2 and Mr.Mehere learned counsel for the respondent no.3.

2. It is alleged that the order passed by the Division Bench of this Court on 28.4.2000 in W.P.No. 1726 of 2000 was wilfully disobeyed and therefore, the respondents are guilty of contempt.

3. It is to be noted that only respondent no.3 is impleaded by name and therefore, the contempt petition has to be examined only against the said respondent. By order dated 28.4.2000, this Court had directed the State Govt. to decide the proposal as expeditiously as possible and in any event within four months from 28.4.2000. The proposal referred to was the proposal submitted by the Zilla Parishad. On the face of this order if the State Govt. did not consider the proposal within the stipulated period of four months, the respondent no.3 could not be hauled up for the contempt.

4. In any case, the affidavit in reply filed on behalf of Secretary clearly states that the proposal was subsequently approved and the benefit has been extended to the petitioners. It appears that they are not happy with the subsequent order passed by the State Govt. and as intimated to the Zilla Parishad on 4.6.2001. The said order is a subject matter of challenge in W.P.No. 8566 of 2004.

5. By this decision dated 4.6.2001, the compliance of the order passed by this Court is done and therefore, at this stage, nothing further remains in this contempt petition.

6. The petition is therefore, dismissed. Rule discharged. However, it is clarified that dismissal of the contempt petition will have no bearing on Writ Petition No. 8566 of 2004.

[B.H.MARLAPALLE, J.]